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8
9 **IN THE UNITED STATES DISTRICT COURT**
10
11 **FOR THE DISTRICT OF NEVADA**

12 HYRUM JOSEPH WEST,) Case No. 2:15-cv-01504-LDG-NJK
13 vs.)
14 BRIAN WILLIAMS, *et al.*,)
15 Respondents.)

**MOTION FOR ENLARGEMENT OF
TIME (FIRST REQUEST)**

16 Respondents, by and through counsel, Adam Paul Laxalt, Attorney General of the State of
17 Nevada, hereby respectfully move this Court for an order granting a forty-five (45) day enlargement of
18 time, to and including March 16, 2017, in which to file and serve their response to West's amended
19 petition for writ of habeas corpus..

20 This motion is based upon the provisions of Rule 6(b) of the Federal Rules of Civil Procedure
21 and the attached Declaration of Counsel, as well as all other papers, documents, records, pleadings and
22 other materials on file herein.

23 There have been no prior enlargement of Respondents' time to file said response, and this
24 motion is made in good faith and not for the purposes of delay.

25 RESPECTFULLY SUBMITTED this 27th day of January, 2017.

26 ADAM PAUL LAXALT
27 Attorney General

28 By: /s/ Heather D. Procter
HEATHER D. PROCTER (Bar No. 8621)
Senior Deputy Attorney General

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13 vs.)
14 BRIAN WILLIAMS, *et al.*,)
15 Respondents.)

DECLARATION OF COUNSEL

16 STATE OF NEVADA : ss.
17 CARSON CITY)

18 I, HEATHER D. PROCTER, hereby states, based on personal knowledge and/or information
19 and belief, that the assertions of this declaration are true:

20 1. I am a Senior Deputy Attorney General employed by the Attorney General's Office of the
21 State of Nevada in the Bureau of Criminal Justice, Post-Conviction Unit, and I make this declaration on
22 behalf of Respondents' motion for enlargement of time in the above-captioned matter.

23 2. By this motion, I am requesting a forty-five (45) day enlargement of time, to and including
24 March 16, 2017, to respond to West's amended petition for writ of habeas corpus. This is my first request
25 for enlargement.

26 3. The answer is currently due January 30, 2017.

27 4. Since this Court's order, I have been involved in defending federal and state petitions,
28 including but not limited to *Adams v. Filson* (2:98-cv-1441-KJD-PAL) (death penalty); *Atkins v. Filson*

1 (2:02-cv-1348-JCM-PAL) (death penalty); *Blake v. Filson* (3:09-cv-0327-RCJ-WGC) (death penalty);
2 *Crump v. Filson* (2:07-cv-0492-APG-CWH) (death penalty); *Duda v. Williams* (2:16-cv-2108-JAD-
3 VCF); *Hammons v. Williams* (2:14-cv-1902-JAD-GWF); *Harlan v. Williams* (2:15-cv-0799-JAD-
4 PAL); *Lisle v. Filson* (2:03-cv-1005-JCM-CWH) (death penalty); *Miranda-Rivas v. Wickham* (3:16-cv-
5 0663-MMD-VPC); *Mosby v. Baker* (3:14-cv-0251-MMD-WGC); *Mosby v. Baker* (2:13-cv-1625-JAD-
6 GWF); *Myers v. Filson* (3:14-cv-0082-MMD-VPC); *Robins v. Baker* (2:99-cv-0412-LRH-PAL) (death
7 penalty); *Stubbs v. Baca* (state court); *Taylor v. Myles* (3:13-cv-0035-MMD-VPC); and *Winn v. Baker*
8 (3:13-cv-0669-LRH-WGC). In addition to time off during the Christmas and New Year's holidays, I
9 was out of the office for a work conference January 11-13th. I will be out of the office February 7-20,
10 2017, on annual leave. I have also been training a new deputy in my division who started January 3,
11 2017. As such, I request a forty-five (45) day enlargement of time, to and including March 16, 2017, to
12 answer West's second-amended petition.

13 5. This motion for enlargement of time is made in good faith and not for the purpose of
14 unduly delaying the ultimate disposition of this case.

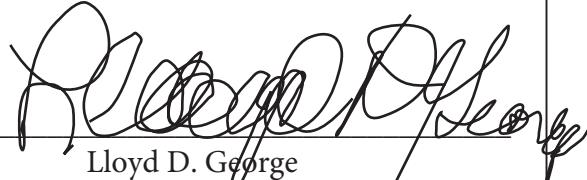
15 Pursuant to 28 U.S.C. § 1746, Declarant herein certifies, under penalty of perjury, that the
16 foregoing is true and correct.

17 By: /s/ Heather D. Procter
18 HEATHER D. PROCTER

19
20 ORDER

21
22 IT IS SO ORDERED.

23 DATED this 31 day of January, 2017.

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Lloyd D. George
U.S. District Judge